

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Marc Kuttler et al.

Appln. No.: 10/596,791

Filed: March 9, 2008

Title: BIODEGRADABLE COATED
IMPLANT WITH CONTROLLED
DEGRADATION

Confirmation No.: 1489

Group Art Unit: 1617

Examiner: Audrea Buckley

Atty. Docket No.: 149459-110070

Customer No.: 25207

Submitted: January 6, 2011

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE

Sir:

In response to the Office Action of October 6, 2010, please amend the above-identified application as follows:

Status is on page 2.

Summary of USPTO Fees begins on page 3 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 4 of this paper.

Remarks/Arguments/Conclusion begin on page 7 of this paper.

STATUS OF APPLICATION PRIOR TO AMENDMENT

The above-captioned patent application is pending.

Claims 1-6 were pending in the application.

Claim 6 is objected to under 37 CFR 1.75(c) as being of improper dependent form.

Claims 1-6 are rejected under 35 USC 102(b) as being anticipated by Tormala (International Patent Publication No. WO 97/11724).

Claims 1-6 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting.

SUMMARY OF USPTO FEES ENCLOSED HERewith

Excess Claims Fees

Applicant had previously paid fees sufficient to cover 20 total claims and 3 independent claims. As a result of the Amendment and Response filed herewith, the application currently has 11 total claims and 1 independent claim. Consequently, no excess claims fees are due.

It is believed these fees are correct; however, the Commissioner for Patents is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-4913.